

MURLENE J. RANDLE, State Bar #98124
LAW OFFICES OF MURLENE J. RANDLE
235 Montgomery Street, Suite 716
San Francisco, CA 94104
Telephone: (415) 352-0189
Facsimile: (415) 352-0187
E-Mail: murlene@randlelawoffices.com

Attorney for the Plaintiffs

DENNIS J. HERRERA, State Bar #139669
City Attorney
ELIZABETH S SALVESON, State Bar #83788
Chief Labor Attorney
JONATHAN ROLNICK, State Bar #151814
Deputy City Attorney
Fox Plaza
1390 Market Street, Fifth Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3815
Facsimile: (415) 554-4248
E-Mail: jonathan.rolnick@sfgov.org

Attorneys for the Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AARON C. STEVENSON, KEVIN D.
TAYLOR, KEVIN W. SMITH, AUDRY LEE,
and KIRK W. RICHARDSON,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO, THE SAN FRANCISCO FIRE
DEPARTMENT, THE SAN FRANCISCO
FIRE COMMISSION, and THE CIVIL
SERVICE COMMISSION OF SAN
FRANCISCO,

Defendants.

Case No. CV 11 4950 MMC

ORDER APPROVING
**STIPULATION IN SUPPORT OF THE
PARTIES' JOINT MOTION FOR
ADMINISTRATIVE RELIEF TO CONTINUE
ALL PRE-TRIAL DATES, INCLUDING THE
TRIAL DATE**

1 1. The following IS HEREBY STIPULATED to by and between the parties:

2 2. The parties seek an approximate five-month continuance of the August 30, 2013
3 discovery cutoff in this action as well as a corresponding continuance of the trial and other dates
4 established by the April 5, 2013 scheduling order in this action.

5 3. A continuance is required because, counsel for both parties are scheduled for trial in
6 *Danner, et. al v. City and County of San Francisco, et. al*, San Francisco Superior Court Case No.
7 CGC 10 – 501981 (“*Danner*”), on August 26, 2013. *Danner* concerns the claims of fifteen plaintiffs,
8 all current employees of the City’s Fire Department, who assert that they have been the victims of
9 unlawful age discrimination (disparate impact and disparate treatment) resulting from the
10 administration of a promotional examination in 2008 for the position of H-20 Lieutenant , along with
11 one claim of retaliation. Preparation for trial has and continues to consume significant resources. In
12 particular, plaintiffs’ counsel has spent significant time responding to the City’s motion for summary
13 judgment and reconsideration of said motion for summary judgment.

14 4. The *Danner* matter was originally set for trial in April 2013, however the trial court did
15 not conduct a hearing and rule on the Defendant’s Motions for Summary Judgment or in the
16 Alternative Summary Adjudication until a short time before the trial date. Given this, the trial date
17 was continued until August 26, 2013. The Defendants’ thereafter filed a Motion for Reconsideration
18 of the Trial Court’s ruling denying in part their Motion for Summary Adjudication.

19 5. Plaintiffs spent a substantial amount of time responding to said motion, preparing for
20 the hearing, and filing a Writ appealing a portion of the Trial Court ruling granting in part the
21 Defendant’s motion for Summary Adjudication. That matter is currently on appeal before the
22 California Supreme Court. Moreover, the City intends to file a Writ appealing the Trial Court’s denial
23 of its Motion for Reconsideration. However, it is Plaintiffs’ understanding that the Defendants do not
24 plan to request a stay of the August 26th trial date. Plaintiff will be responding to the Writ as they
25 prepare for the August 26, 2013, trial date.

26 6. Plaintiffs anticipate that the *Danner* trial will last from six to eight weeks.

27 7. The current deadline for the completion of discovery in the above captioned matter is
28 set for August 30, 2013. There are many outstanding discovery matters in the cases at hand that remain

1 outstanding for both parties. The extension of the scheduling deadlines in this matter would allow the
 2 parties to complete these outstanding discovery issues, while allowing time for the trial preparations
 3 and other litigation in the *Danner* matter.

4 8. This stipulation is based on the understanding that the Parties have submitted all their
 5 written discovery requests, except for up to 20 remaining Requests for Production of Documents, and
 6 with the further understanding that the neither Party will take more than the statutory limit of 10
 7 depositions, and even further understanding that the Defendants will be allowed the additional time to
 8 respond to Plaintiffs' outstanding written discovery requests and complete previously scheduled
 9 depositions after the completion of the *Danner* trial. The Defendants agree to respond to and produce
 10 documents responsive to the aforementioned outstanding discovery within 30 days after the
 11 completion of the *Danner* trial. However, should the *Danner* trial date be continued, stayed, or
 12 postponed for any reason the parties agree to meet and confer on an earlier due date for the
 13 aforementioned discovery.

14 9. Thus, the parties hereby stipulate to the continuation of all the scheduled dates,
 15 including the discovery deadline and the trial date, for a period of approximately 5 months, or to a
 16 similar date convenient to the court.

17 10. It should be noted that in choosing a new pre-trial and trial schedule, the Parties have
 18 taken the November and December holidays into consideration, and scheduled dates that would
 19 accommodate the parties, their counsels', and potential deponents' holiday schedules.

20 11. Accordingly, the parties request the following scheduling order:

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
21 Joint status conference filing - no later than	August 16, 2013	January 17, 2014
22 Joint status conference	August 23, 2013	January 24, 2014
23 Non-expert Discovery	August 30, 2013	January 31, 2014
24 Designation of Experts	September 20, 2013	February 21, 2014
25 Designation of Rebuttal Experts	October 4, 2013	March 7, 2014
26 Expert Discovery	October 25, 2013	March 28, 2014
27 Filing of Dispositive Motion(s)	November 8, 2013	April 8, 2014

1 Meet and Confer December 23, 2013 May 25, 2014
2 Trial Date February 10, 2014 July 14, 2014
3
4

5 Dated: August 1, 2013

LAW OFFICES OF MURLENE J. RANDLE

6 By: _____/S/
Murlene J. Randle, Attorney for the Plaintiffs
7

8 Dated: August 1, 2013

DENNIS J. HERRERA, City Attorney

9 By: _____/S/
Jonathan Rolnick, Deputy City Attorney
10 Attorneys for the City and County of San Francisco
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12 I, Murlene J. Randle, attest that concurrence in the filing of this document has been obtained
13 from Deputy City Attorney Jonathan Rolnick.
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ORDER

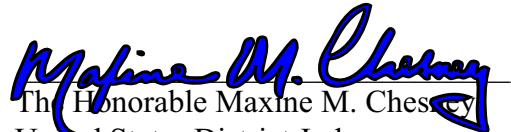
PURSUANT TO STIPULATION, GOOD CAUSE HAVING BEEN FOUND, the Court hereby grants the parties Joint Motion For Administrative Relief to Continue the trial and pre-trial dates as follows:

Joint status conference filing	January 17, 2014
Joint status conference	January 24, 2014
Non-expert Discovery	January 31, 2014
Designation of Experts	February 21, 2014
Designation of Rebuttal Experts	March 7, 2014
Expert Discovery	March 28, 2014
Filing of Dispositive Motion(s)	April 8, 2014
Meet and Confer	May 25, 2014
Trial Date	July 14, 2014

IT IS SO ORDERED.

IT IS FURTHER ORDERED that the Pretrial Conference is continued to July 1, 2014.

Dated: August 6, 2013


The Honorable Maxine M. Chesney
United States District Judge